

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13
H. H. H.
12-30-03

In re Patent Application of:)
WRIGHT ET AL.)

Serial No. 09/976,647)

Filed: October 11, 2001)

Confirmation No. 2560)

For: WIRELESS, GROUND LINK-BASED)
AIRCRAFT DATA COMMUNICATION)
SYSTEM WITH ROAMING FEATURE)

Examiner: D. Crosland

Art Unit: 2632

PETITION TO SUSPEND ACTION BY
UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER 37 C.F.R. §1.103(c)

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 16 2003

Technology Center 2600

Sir:

Applicants petition the U.S. Patent and Trademark Office for Suspension under 37 C.F.R. §1.103(c) to suspend action on the above-identified patent application for three months. A Request for Continued Examination (RCE) is filed herewith. A Final Rejection was mailed on June 12, 2003.

Applicants request suspension of this patent application in order to determine what actions should be taken (if any) based upon a Request for Reexamination of U.S. Patent No. 6,181,990. Applicants had copied claims from U.S. Patent No. 6,181,990 in this application. Those copied claims were rejected under prior art located by the Examiner. Applicants used this prior art as a basis for a Request for Reexamination of U.S. Patent No. 6,181,990. The order granting the Request for Reexamination was mailed on November 10, 2003.

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In re Patent Application of:

WRIGHT ET AL.

Serial No. **09/976,647**

Filed: **October 11, 2001**

Applicants request suspension in order to determine how the reexamination will proceed, which will determine how Applicants prosecute this patent application.

Background of Facts

On October 11, 2001, a continuation application serial no. 09/976,647 (hereinafter '647 application) was filed by Applicants that relates priority to a grandparent application serial no. 08/557,269, filed November 14, 1995, now U.S. Patent No. 6,047,165. Applicants filed an Amendment Under 37 C.F.R. §1.607 on January 23, 2002, copying claims 1-4, 6, 7, 15-24 and 33 of U.S. Patent No. 6,181,990 to Grabowsky et al. (hereinafter "Grabowsky"), issued January 30, 2001. The copied claims correspond to added claims 59-75 in the Applicant's '647 application.

In an Office Action mailed August 9, 2002, and signed by the Primary Examiner for art unit 2632, and the Director, T.C. 2600, the U.S. Patent and Trademark Office stated that copied claims 1, 4, 6, 7, 15-20 and 33 of Grabowsky, corresponding to claims 59, 62-70 and 75 of Applicants' '647 application were not patentable because those copied claims were anticipated by U.S. Patent No. 5,351,194 to Ross et al. Copied claims 2, 3, 21 and 22 corresponding to claims 60, 61, 71 and 72 in this application were held obvious over Ross et al. in view of U.S. Patent No. 5,652,717 to Miller et al. and U.S. Patent No. 5,943,399 to Bannister et al. Copied claims 23 and 24 corresponding to claims 73 and 74 in this application were held obvious over Ross et al. in view of U.S. Patent No. 5,463,656 to Polivka et al.

In re Patent Application of:

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Serial No. **09/976,647**

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Applicants responded with an Amendment filed February 4, 2003 and placed dependent claims 60, 61, 71 and 72 into independent format and argued that because those claims were patentable, an interference should be declared. The Examiner issued a Final Office Action dated June 12, 2003, and upheld the rejection of all claims.

On August 12, 2003, Applicants filed a Request for Reexamination Under 35 U.S.C. §302-307 and 37 C.F.R. §1.510 of Grabowsky et al. based on the references used by the Examiner to reject the copied claims. Applicants noted in their Request that if the copied claims from Grabowsky et al. are unpatentable to Applicants, as determined by the Patent Office in this '647 application, then the Patent Office should also find that the same references should raise a substantial new question of patentability of these claims in the Grabowsky et al. patent. Accordingly, reexamination was requested of claims 1, 4, 6, 7, 15-20 and 33 as anticipated by Ross et al., issued September 27, 1994.

Reexamination was also requested for claims 2, 3, 21 and 22 as obvious over Ross et al. in view of Miller et al., issued July 29, 1997, further in view of Bannister et al., issued August 24, 1999.

Reexamination was also requested for claims 23 and 24 as obvious over Ross et al. in view of U.S. Patent No. 5,463,656 to Polivka et al.

Reexamination was also requested for claims 1-4, 6, 7, 15-24 and 33 as anticipated by commonly assigned U.S. Patent No. 6,047,165 to Wright et al., issued April 4, 2000.

The order granting the Request for Reexamination was mailed on November 10, 2003. Applicants agreed with

In re Patent Application of:

WRIGHT ET AL.

Serial No. **09/976,647**

Filed: **October 11, 2001**

Applicants' reasons why reexamination was necessary.

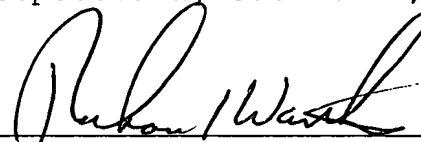
Applicants request suspension in order to determine how the reexamination will proceed, which will determine how

Applicants prosecute this patent application.

Authorization is given to charge the petition fee of **\$130.00** to Harris Corporation Deposit Account No. **08-0870**.

If the Examiner has any questions considering this request for suspension of action, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



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